



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Gaile

Examiner:

Serial No.: 10/644,134

Date: October 22, 2004

Filed: August 20, 2003

Docket: 298-209

For: SPRING ELEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
MAIL STOP: MISSING PARTS

RESPONSE

Responsive to the Notice of Incomplete Reply (Nonprovisional) mailed July 27, 2004 by the Patent and Trademark Office in the above-identified application, the following items (i)-(vi) are enclosed:

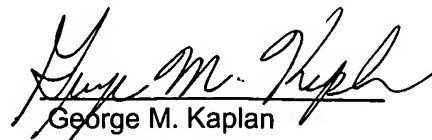
(i) Copies of Figs. 3, 4, 7, 8 and 9 on which all German text has been changed to English text;

(ii) A complete set of Figs. 1-9 (seven sheets of drawings) on which all German text has been deleted from Figs. 3, 4, 7, 8 and 9;

CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this correspondence and the documents referred to as enclosed are being deposited with the United States Postal Service on date below in an envelope as "Express Mail Post Office to Addressee" Mail Label Number EV503875231US addressed to: Mail Stop MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: October 22, 2004


George M. Kaplan

(iii) Enlarged copies of Figs. 3, 4, 7, 8 and 9 on which all German text has been changed to English text;

(iv) Enlarged copies of Figs. 3, 4, 7, 8 and 9 on which all German text has been deleted;

(v) A copy of the Notice of Incomplete Reply; and

(vi) A petition for extension of time with petition fee.

The word "Liebherr" found in the box at the top left of Fig. 3 is the name of the assignee of the present application.

It is respectfully submitted at least one of the enclosed sets of drawings (i)-(iv) supra should satisfy compliance with 37 CFR §1.84 and §1.121. It is earnestly requested the undersigned attorney be contacted, by telephone, should there still be any questions concerning acceptability of the drawings.

The comment at the bottom of the Notice of Incomplete Reply that the figures contain "a flow chart that was originally not in English that has been marked up to include the English text" is not understood, because no such marked up copy was ever submitted to the Patent and Trademark Office. However, it is emphatically asserted all papers submitted with the previous reply on June 25, 2004 address all outstanding informalities, for the following reasons.

A verified English translation of the entire application text, including the drawings, was enclosed with the reply filed June 25, 2004. More particularly, page 24 of the previously-submitted verified English translation contains a listing, in English, of all German terms shown in Figs. 3, 4 and 7-9. Upon publication of the


present application, a description of all terms and symbols found in the drawings (including the reference numerals) will appear in the application text, including page 24. Therefore, since page 24 of the verified English translation will ultimately be published with the entire application text, the requirement under 37 CFR §1.52(d)(1) for submitting a verified English translation of the entire application text, including the drawings, has been previously satisfied.

It is respectfully pointed out the required verified English translation under 37 CFR §1.52(d)(1) can refer to the German language text. Attention is respectfully called, for example, to U.S. Application Serial No. 10/399,745 filed January 16, 2004 where the verified English translation refers to equations set forth in the original German language text; the verified English translation was accepted by the Patent and Trademark Office in Serial No. 10/399,745 without further question.

As a courtesy, the additional sets of drawings (i)-(iv) supra are enclosed. However, it is emphatically asserted since a complete reply to the previous Notice to File Missing Parts was filed on June 25, 2004, there is absolutely no requirement for a petition of extension of time to file this further reply. Accordingly, once the enclosed sets of drawings have been entered as acceptable, a request for refund of the petition fee will be filed in this application.

It is believed that no other fees will be incurred as a result of this response. However, please charge any deficiency or credit any overpayment of such fees to Deposit Account No. 04-1121. Also, in the event that any extensions of time are required for this response, please treat this paper as a petition to extend the time as required and charge Deposit Account No. 04-1121. TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.

Respectfully submitted,


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10-25-04

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/644,134	08/20/2003	Anton Gaile	298-209

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CONFIRMATION NO. 5331

FORMALITIES LETTER



OC000000013358132

Date Mailed: 07/27/2004

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 06/25/2004 to the Notice to File Missing Parts (Notice) mailed 04/22/2004 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application. Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
 - The drawing figures contain text that is not in English (including, for example, a flow chart that was originally not in English that has been marked up to include the English text) (see 37 CFR 1.84(p)(2) and 37 CFR 1.52(d)(1)). See Figure(s) 3, 4, 7, 8 & 9.

Replies should be mailed to: Mail Stop Missing Parts
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*A copy of this notice **MUST** be returned with the reply.*

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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE